



Docket No. 61766/JPW/GJG

1632
#9
10-23-01
TECH CENTER 1600/2900
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alan R. Tall

Serial No.: 09/560,372

Examiner: P. Paras

Filed : April 28, 2000

Art Unit: 1632

For : HUMAN ABC1 PROMOTER AND ASSAY BASED THEREON

1185 Avenue of the Americas
New York, New York 10036
October 12, 2001

Assistant Commissioner for Patents
Washington DC 20231

SIR:

RESPONSE TO SEPTEMBER 13, 2001 OFFICE ACTION

This is a Response to the Restriction Requirement issued September 13, 2001 in connection with the above-identified application. A response to the September 13, 2001 Restriction Requirement is due October 13, 2001. Accordingly, this Amendment is being timely filed.

Claims 1-49 are pending in the subject application.

In the September 13, 2001 Restriction Requirement, the Examiner required restriction to one of the following allegedly distinct inventions as follows:

- I. Claims 1-14 and 49, drawn to an ABC promoter having the nucleic sequence set forth in Seq Id No: 1, a recombinant expression construct comprising the same, a cell transformed *in vitro* with the same expression construct, and an ABC gene operably linked to the same nucleotide sequence;
- II. Claims 15-25, drawn to a method of expressing foreign DNA in a cell;
- III. Claims 26-43 and 45, drawn to a method of determining